

REMARKS

Claims 15-20, 23, 25-32 and 42-44 remain pending in this application. Claim 24 has been cancelled and Claim 15 is amended to incorporate the features of presently cancelled claim 24. Claim 29 has been amended to provide proper dependency based on incorporation of claim 24 into claim 15.

Claims 15-20, 23, 25-32 and 42-44 stand rejected under 35 USC §102(b) as being anticipated by US Patent No. 5,824,064 ("Taheri"). Applicant respectfully traverses the rejection.

As amended, independent claim 15 claims a valve that includes a flexible sleeve having a proximal end, a distal end and an outside surface; at least one cusp secured to the sleeve and configured to permit blood flow through the at least one cusp in a single direction; at least one ring attached to the outside surface at only the proximal end of the sleeve, the at least one ring being attached to a portion of the sleeve that is not everted, wherein the ring is expandable from a first diameter to a larger, second diameter; and at least one fastener connected to the at least one ring, the at least one fastener extending in a direction radially outward with respect to the sleeve and including at least one leg.

Thus, among other elements, the claimed valve includes the feature wherein the ring is expandable from a first diameter to a larger, second diameter.

The Examiner relied on Figs. 2A and 2B of Taheri in the current rejection. However, as amended Taheri at least does not identically disclose the claimed invention, namely one which includes a ring that is expandable from a first diameter to a second diameter. Since Taheri does not identically disclose the claimed invention, the Examiner's §102(b) rejection is respectfully requested to be withdrawn.

Applicant grants the PTO permission to charge the Deposit Account No. 10-0750/TJS/

Serial No. 10/047581
HRT0287USCNT

HRT0287 for any fees or charges related to this application. Applicant respectfully requests the Examiner to contact the below-signed if a discussion regarding the merits would advance prosecution of this case.

Respectfully submitted,

By: /Theodore J. Shatynski/
Theodore J. Shatynski
Reg. No. 36,676

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2498
Dated: July 10, 2009
Customer No. 27777